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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,485	04/06/2001	Thomas Brumm	112740-209	5739

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EXAMINER

RYMAN, DANIEL J

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/827,485		BRUMM ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Daniel J. Ryman		2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 8/16/2006 have been fully considered but they are not persuasive regarding the rejection under 35 U.S.C. § 112. On page 5 of the Response, Applicant asserts that “[claim 29] recites an exemplary configuration where signaling information is transmitted as data in a data packet *with signaling information of the packet-switching communication network*” (emphasis added). However, claim 29 recites: “the second signaling information is transmitted as part of signaling packets that *do not contain any first signaling information*” (emphasis added). Thus, while Applicant asserts that the second signaling information is transmitted along with the first signaling information, claim 29 requires the exact opposite, namely that the second signaling information be transmitted with no first signaling information. Therefore, the portions of the Specification that Applicant cites to support Applicant's assertions have no bearing on the rejection since these passages directly contradict what is taught in claim 29. Examiner notes that claim 29 appears to be directed to Specification, p. 7, lines 24-30, rather than Specification, p. 7, lines 6-13, as asserted by Applicant.

2. As outlined in the previous Office Action, as well as below, claim 29 is vague and indefinite because it requires the second signaling information to be carried as part of “signaling packets,” whereas, claim 28, which claim 29 depends upon, requires the second signaling information to be carried as part of “data packets.” Simply, claim 29, when read in conjunction with claim 28, requires the second signaling information to be carried by packets that are “data packets” and “signaling packets” simultaneously. While Applicant seems to assert that “data packets” and “signaling packets” are equivalent, i.e. “signaling information also can be

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transmitted using data packets for signaling control in the packet-switching network” (Response: p. 5), such a requirement is not clear from the claims. Rather, by distinguishing between “data packets” and “signaling packets” in the claims, Applicant implies that a “data packet” is different than a “signaling packet.” As such, Applicant is required to either amend the claims in a manner that requires the second signaling information to be carried by “data packets” or eliminate the distinction between “data packets” and “signaling packets” in the claims.

3. Applicant's arguments with respect to the prior art rejections of claims 28-37 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 29 discloses that the second signaling information is transmitted as part of *signaling* packets that do not contain any first signaling information. Claim 28, which claim 29 depends upon, discloses that the second signaling information is transmitted as *data* packets. While claim 29 limits the type of signaling packets that can be used to transport the second signaling information, claim 28 discloses that the second signaling information is transmitted in data packets rather than signaling packets. Since Examiner is unsure of the intended scope of claim 29, Examiner will not examine claim 29 regarding the status of the prior art.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 28 and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Baratz et al. (USPN 5,742,596), of record.

8. Regarding claims 28 and 37, Applicant discloses as prior art a terminal device (p. 2, lines 25-28) coupled to a packet-switched communication network (p. 2, lines 25-28) comprising: a data processing device having a first program module (p. 2, lines 7-17, where the first program module transmits signaling according to the H.225 signaling protocol), wherein said processing device configures first signaling information according to a first standard signaling protocol for packet-switched telecommunications (p. 2, lines 7-17, where the processing device configures first signaling information according to H.225, which is a standard signaling protocol for packet-switched telecommunications), an interface unit for operatively coupling the terminal device to the packet-switched communication network (p. 2, lines 26-28, where the terminal device is connected to the packet-switched communication network, such that it is implicit that this connection is done by an interface unit) wherein the first signaling information is transmitted through the interface with the assistance of signaling packets of the packet-switched communication network (p. 2, lines 15-17).

Applicant does not admit as prior art that the processing device also configures second signaling information according to a standard signaling protocol for circuit-switched

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telecommunications or that the second signaling information is transmitted through the interface with the assistance of data packets of the packet-switched communication network. However, Applicant does admit as prior art that there are certain services in the circuit-switched network that cannot be supported by H.225 signaling (p. 4, lines 7-9). Baratz teaches, in a system for integrating voice and data traffic over a single network infrastructure (col. 1, lines 65-67), having a processing device configure second signaling information (PBX control information) according to a standard signaling protocol for circuit-switched telecommunications (col. 5, lines 38-40, where the traditional telephone control information, which is configured according to a standard signaling protocol for circuit-switched telecommunications since it is PBX control information, is transmitted as LAN packets) and transmitting the second signaling information through an interface with the assistance of data packets of the packet-switched communication network (col. 5, lines 38-40, where the traditional telephone control information is transmitted as LAN packets). Baratz does this in order to “provid[e] telephony clients traditional PBX features” (col. 6, lines 39-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the processing device of Applicant’s admitted prior art configure second signaling information according to a standard signaling protocol for circuit-switched telecommunications and to transmit the second signaling information through the interface with the assistance of data packets of the packet-switched communication network in order to provide telephony clients with traditional PBX features that would not otherwise be available through H.225 signaling.

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9. Regarding claim 30, Applicant's admitted prior art in view of Baratz discloses that signaling information for at least one service and/or performance feature is transmitted as second signaling information (Baratz: col. 6, lines 58-63).

10. Regarding claim 31, Applicant's admitted prior art in view of Baratz discloses that the service feature and/or performance feature includes at least one of call pick up, three way conferencing, large scale conferencing, holding, displaying of toll information, a closed user group, call number identification, automatic call back when busy, automatic call back when no response, call barring, call waiting indication and call transfer (Baratz: col. 6, lines 58-63).

11. Regarding claim 32, Applicant's admitted prior art in view of Baratz discloses that the second signaling information, with the assistance of the packet-switched communication network, is transmitted from the terminal device (Baratz: ref. 41: telephony client, see Fig. 1) to a second interface unit (Baratz: ref. 44: telephony server, see Fig. 1) between the packet-switched communication network and the circuit-switched communication network (Baratz: col. 6, lines 7-15, where the telephony server module interfaces the network with the PSTN).

12. Regarding claim 33, Applicant's admitted prior art in view of Baratz discloses that the data processing system further comprises a second program module that converts the transmitted first and second signaling information into image information to be displayed on a display unit (Baratz: Fig. 6) and processes information which is input using an input unit, using data exchanged between the first program module and the second program module (Baratz: col. 10, lines 35-46, where the host computer has a device driver which permits a client to interact with applications on the host computer).

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13. Regarding claim 34, Applicant's admitted prior art in view of Baratz does not expressly disclose that the second program module provides a graphical interface; however, Applicant's admitted prior art in view of Baratz does disclose that the host computer has software which permits a client to interact with applications (Baratz: Fig. 6 and col. 10, lines 35-46). Examiner takes official notice that GUIs are well known in the art as a means for permitting a user to interact with software on a computer. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the second program module provide a graphical interface in order to permit a client to interact with software on the host computer in a well-known manner.

14. Regarding claim 35, Applicant's admitted prior art in view of Baratz does not expressly disclose that a number of possible graphical interfaces are stored in the data processing device, and the user interfaces are optionally switched over by the second program module; however, Applicant's admitted prior art in view of Baratz does disclose that there are multiple applications on the host computer (Baratz: col. 10, lines 35-46, e.g. phone book and dialer). Examiner takes official notice that it is well known in the art to have each application use a different graphical interface which is customized for the particular application. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a number of possible graphical interfaces stored in the data processing device and to have the user interfaces optically switched over by the second program module in order to permit a user to interact with a particular application using a graphical interface customized for that application.



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15. Regarding claim 36, Applicant's admitted prior art in view of Baratz discloses that the terminal device is configured as a computer system with software and hardware (Baratz: col. 4, lines 35-43).

*Conclusion*

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 8:00am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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